



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,617	12/14/2000	Eric H. Michelman	3382-55356	7958
26119	7590	12/07/2004	EXAMINER	
KLARQUIST SPARKMAN LLP 121 S.W. SALMON STREET SUITE 1600 PORTLAND, OR 97204			PILLAI, NAMITHA	
		ART UNIT	PAPER NUMBER	
		2173		

DATE MAILED: 12/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/737,617	MICHELMAN ET AL.
	Examiner	Art Unit
	Namitha Pillai	2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 24 June 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 1-19, 21-48 are 51-63 is/are allowed.
- 6) Claim(s) 20, 49 and 50 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 20 and 50 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U.S. Patent No. 6,552,737 B1 (Tanaka et al.), herein referred to as Tanaka.

Referring to claim 20, Tanaka discloses a method of presenting a computer user interface for performing operations on displayed items (column 1, lines 10-14). Tanaka discloses receiving an indication that a particular function is to be performed on a displayed item (column 1, lines 10-14). Tanaka also discloses that upon this indication that a particular function is to be performed on the displayed item, displaying a moveable displayed user interface element for performing a particular function (column 6, lines 31-35). Tanaka also discloses that responsive to determining a pointer of the moveable user interface element has been moved over the displayed item, selecting the displayed item (column 6, lines 64-67). Tanaka discloses responsive to receiving an activation indication performing the particular function on the selected displayed item (column 7, lines 2-6).

Referring to claim 50, Tanaka discloses a method for determining over which of a set of potential targets displayed on a display a moveable displayed item has been dragged (Figure 2B and column 2, lines 60-67). Tanaka also discloses assembling a list of regions corresponding to

display regions associated with potential targets (Figure 2B). Tanaka discloses upon determining the moveable displayed item has been dragged to a location, consulting the list of regions to determine whether the moveable displayed item has been dragged over one of the potential targets (Figure 2B and column 2, lines 60-67). Tanaka also discloses that upon determining the moveable displayed item has been dragged over one of the potential targets, taking an action with respect to the one of the potential targets (Figure 2B, column 2, lines 60-67 and column 3, lines 1-10).

2. Claim 49 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by U. S. Patent No. 5,617,114 (Bier et al.), herein referred to as Bier.

Referring to claim 49, Bier discloses a means for determining when a moveable user interface element is moved over a plurality of areas to select a distinct area or item, which will serve as the target for the user's requests (column 4, lines 62-65). The regions of selectable area are associated with the targets that will be selected for the user to manipulate (column 4, lines 62-67). Bier also discloses a list of the plurality of displayed regions, the list being represented as the items of a spreadsheet document, that serve as targets that can be selected (column 1, line 39). Bier also discloses acquiring target functionality wherein the functionality would be displayed as the menu attributes in relation to the document, herein the document being a spreadsheet (column 4, lines 62-67). Bier discloses release target functionality, wherein the moveable menu is released when the target object is released (column 13, lines 9-12). Bier also discloses whether the an item in the selectable region has been selected with a moveable menu displayed over it, and further goes to execute the options associated with this selected target, and release the target (column 13, lines 5-10).

Response to Claim Changes

3. The Examiner acknowledges Applicant's amendments to claims 1, 20, 21, 46, 48, 50 and 61 to better specify the claimed invention. Based on the appropriate amendments to claims 1, 21, 46, 48 and 61, these claims are allowable. However, the amendments to claims 20, 49 and 50 do not deem these claims allowable and has been rejected under 35 U. S. C. 102 as being previously disclosed in prior art.

Allowable Subject Matter

4. The following is a statement of reasons for the indication of allowable subject matter: The allowable subject matter is a combination of distinct features that have been disclosed in independent claims 1, 21, 46, 48 and 61 in reference to the characteristics of the moveable displayed user interface element. The moveable displayed user interface element allows for the selection of an item wherein the user interface element comprises an area displayed within the element for receiving an activation and wherein the element contains a pointer used for selecting an item and wherein the pointer is used to select the item and the activation area within the user interface element is activated, causing a subsequent action to be performed on the selected item. Bier discloses a moveable user interface element with an area displayed within the element for receiving an activation, wherein this activation would allow for an action to be taken on an item that the element has been placed over. However, Bier does not disclose a pointer that is part of the user interface element wherein this pointer would be placed over an item to be selected. Tanaka discloses a pointer, wherein there is moveable user interface element that contains a pointer within the element for selection, but Tanaka's user interface element does not explicitly contain an activation area within the user interface element wherein activation would result in an

action being carried out on the selected item. Based on the amendments made to claims 1, 21, 46, 48 and 61 a combination of the features in reference to the moveable user interface element would give reason for these independent claims and all claims depending on these claims to be allowable. Therefore, claims 1-19, 21-48 are 51-63 are allowable.

Response to Arguments

5. Applicant's arguments filed 6/24/04 have been fully considered but those relating to claims 20 and 49 are not persuasive and arguments concerning claim 50 are now moot, in view of new grounds of rejections.

With respect to Applicant's arguments that claim 20 should be allowable for the same reasons as claims 1 and 21. Claims 1 and 21 disclose a moveable user interface element that is originally displayed and does not indicate that an action must be performed to display this moveable user interface element. Claim 20 does disclose a pointer with a displayed moveable user interface element as is disclosed by Tanaka and that an activation for performing a function does occur but does not explicitly state that this activation is carried out in the activation area that is within the user interface element as is stated in claims 1 and 21.

With respect to Applicant's arguments that Bier does not describe the "enters or exit" language. Bier refers to a spreadsheet, wherein this spreadsheet is a list of items that contain a plurality of regions, wherein each region can be represented as each cell block in the spreadsheet. Bier further discloses the user choosing an item from this list, wherein the moveable displayed user interface element "enters" an area when the user chooses to move the element into a region to choose a distinct item and "exits" an area when the user chooses to move the element away from a region containing a specific item, wherein the target would be the item that is to be

selected and acquiring the target functionality would mean acquiring menu data to be displayed that is related to the item and releasing the target functionality would mean releasing the menu that is related to the item. Bier discloses how various activities can be carried out by pointing out an example when the target functionality is released or when the menu that is displayed disappears in order when the user has exited a region in order to carry out other activities (column 13, lines 9-12), which refers to how the “overlay disappears”.

With respect to Applicant’s arguments that Bier does not disclose features of claim 50. Based on the amendments made to these claims, Bier does not disclose a pointer that is part of the user interface element but Tanaka does disclose such a pointer and all other features disclosed in claim 50, wherein Tanaka discloses selection of potential “targets” from a list as displayed in Figure 2A and 2B of Tanaka and means for determining selection and deselection of these items.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

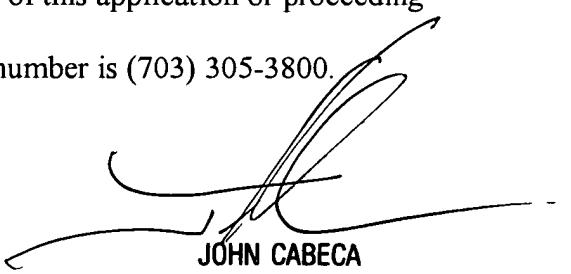
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington D.C. 20231. If applicant desires to fax a response, central FAX number (703) 872-9306 may be used. NOTE: A Request for Continuation (Rule 60 or 62) cannot be faxed. Please label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document. Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist). Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namitha Pillai whose telephone number is (571) 272-4054. The examiner can normally be reached on 8:30 AM - 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Namitha Pillai
Assistant Examiner
Art Unit 2173
November 23, 2004


JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 210